

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

TEVA PHARMACEUTICALS USA, INC.,
Plaintiff,
v.
CORCEPT THERAPEUTICS, INC., et al.,
Defendants.

Case No. [24-cv-03567-NW](#) (VKD)

**FURTHER ORDER RE MAY 2, 2025
DISCOVERY DISPUTE RE CORCEPT
DOCUMENT REQUESTS**

Re: Dkt. Nos. 98, 107

The Court has reviewed the parties' status report regarding their respective proposals for Teva's production of responsive documents reflecting its use of exclusive dealing agreements and reflecting payments to physicians in connection with its own drugs. *See* Dkt. No. 107; Dkt. No. 105 at 2.

In its May 16, 2025 order, the Court concluded that Corcept may obtain discovery of Teva regarding two categories of responsive documents: exclusive dealing agreements (third category) and physician payments (fourth category). *See* Dkt. No. 105. In the discovery dispute letter that preceded that order, Corcept did not identify particular document requests corresponding to each category, but cited collectively only the following RFPs: 1, 6, 15, 16, 22, 43-47, and 59. *See* Dkt. No. 98 at 1. In resolving the parties' dispute, the Court also did not refer to particular RFPs. However, the Court observes that, of the disputed document requests, only RFPs 43-47 appear to concern physician payments and none appear to concern exclusive dealing agreements. *See* Dkt. No. 98-1. To address Teva's objections regarding burden, the Court directed the parties to "confer regarding parameters defining a representative sample of responsive documents within the third and fourth categories." Dkt. No. 105 at 2.

1 Having considered the parties' status report, the Court orders as follows:

2 1. If, after a reasonable investigation, Teva determines that it does not maintain a
3 "speaker program" or otherwise make physician payments withing the scope of RFPs 43-47
4 related to any generic drugs, it must supplement its responses to RFPs 43-47 to so state by **June**
5 **17, 2025**.

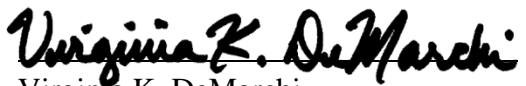
6 2. Teva must investigate reasonably accessible non-custodial source(s) to identify and
7 produce data reflecting "speaker fees" and other physician payments withing the scope of RFPs
8 43-47 in connection with all of its approximately 20 branded drugs by **June 24, 2025**.

9 3. Teva represents that it does not have any exclusive dealing agreements related to any
10 generic drugs. Dkt. No. 107 at 5. As none of the disputed document requests before the Court
11 appear to seek any other type of distribution agreement, the Court will not order Teva to produce
12 any such agreements at this time.¹

13 4. Teva must investigate reasonably accessible non-custodial source(s) to identify and
14 produce any exclusive dealing agreements for all of its approximately 20 branded drugs by **June**
15 **24, 2025**. As none of the disputed document requests before the Court appear to seek any other
16 type of distribution agreement, the Court will not order Teva to produce any such agreements at
17 this time.²

18 **IT IS SO ORDERED.**

19 Dated: May 27, 2025

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22 Virginia K. DeMarchi
23 United States Magistrate Judge
24
25
26

27 ¹ Nothing should prevent the parties from continuing their discussions regarding discovery of
28 other agreements. *See* Dkt. No. 107 at 4-6.

² See footnote 1.